

# **BYLAWS OF THE ST. MARY'S COUNTY ADMINISTRATIVE CHARGING COMMITTEE**

## **Article I. NAME**

The name of this organization as established by the Commissioners of St. Mary's County shall be the St. Mary's County Administrative Charging Committee (hereinafter "Body").

## **Article II. PURPOSE OF THE BODY**

The purpose of the Body is to review investigations of police misconduct and determine whether an officer should be administratively charged as a result of any such investigation. If a decision is made to recommend administrative charging, the Body shall recommend appropriate discipline in accord with the statewide Uniform Disciplinary Matrix.

## **Article III. FUNCTIONS OF THE BODY**

To accomplish its purpose, the Body shall meet at least monthly. The Body shall review any investigatory file forwarded to the Body by the St. Mary's County Sheriff's Office within thirty (30) days of receipt of an investigatory file and render a determination or a request for further investigation within that time. In its review, the Body shall determine whether the officer shall be administratively charged or not. If the Body determines an officer shall not be administratively charged, the Body may determine that the allegations against the officer are unfounded or that the police officer is exonerated. If the Body determines an officer shall be administratively charged, the Body shall recommend discipline in accordance with the statewide Uniform Disciplinary Matrix. In all matters, the Body shall, in its final written opinion, record any failure of supervision that caused or contributed to a police officer's misconduct.

## **Article IV. MEMBERSHIP**

### ***Section 1. Members.***

Membership shall be in accordance with the legal authority governing the Body.

### ***Section 2. Appointment.***

Per law, membership of the Body shall comprise five members, who will be appointed by the following bodies:

- (a) Two members shall be appointed by the Commissioners of St. Mary's County;
  - (b) Two members shall be appointed by the St. Mary's County Police Accountability Board;
- and,

- (c) One member shall be the chairperson of the St. Mary's County Police Accountability Board, or another member of the St. Mary's County Police Accountability Board if the chair is unwilling or unable to serve.

***Section 3. Self-Reporting.***

Members shall have an ongoing and continuous obligation to report any adverse events which may harm the public trust of the Administrative Charging Committee to the Chair of the Body. Such events include, but are not limited to:

- (a) Conflicts of interest;
- (b) Criminal charges;
- (c) Criminal investigations; and,
- (d) Criminal convictions.

***Section 4. Tenure and Term of Office.***

Terms of office shall be in accordance with the legal authority governing the Body.

***Section 5. Voting.***

Each voting member, including the Chairperson, shall be entitled to one vote on each matter submitted to a vote.

***Section 6. Attendance at meetings.***

Members are expected to attend all meetings. If any appointed member fails to attend three (3) consecutive regular meetings, with or without reasonable cause, or is absent from 50% of the regularly scheduled meetings during any calendar year, the Chairperson shall notify the County Administrator of the absences, for appropriate action pursuant to paragraph 7 below.

***Section 7. Removal of Body Members***

A member serves at the pleasure of his or her respective appointing authority. Additionally, any failure to maintain the confidentiality of the Body's work as required by local or state law, or these by-laws, shall be grounds for immediate removal of a member.

***Section 8. Resignation.***

Any member desiring to resign shall submit a resignation in writing to the County Administrator.

***Section 9. Vacancies.***

A vacancy, because of death, resignation, removal, disqualification or otherwise, shall be filled at the pleasure of the appointing body

***Section 10. Compensation.***

Members of the Body shall serve without compensation, excepting any stipend which may be appropriated by the Commissioners of St. Mary's County for that year's budget.

***Section 11. Ethics Ordinance.***

All members must adhere to the provisions of the St. Mary's County Public Ethics Ordinance.

**Article V OFFICERS**

***Section 1. Officers.***

The sole Officer of the Body shall be a Chairperson.

***Section 2. Chairperson of the Body.***

Except as otherwise provided by law or direction of the Commissioners of St. Mary's County, the Chairperson's responsibilities include: (1) establishing the meeting schedule, with a minimum of one meeting per month; (2) establishing a written agenda for each meeting for dissemination to the members in advance of the meeting; (3) calling a meeting to order; (4) coordinating the meeting in accordance with the agenda; (5) inviting discussion among members before voting; (6) inviting motions, seconds, and votes from members; (7) ensuring that a record of all business conducted by the Body is kept; and (8) promptly reporting to the appointing authority any concerns or adverse events as established under this regulation.

***Section 3. Election of Officers.***

The members shall elect a Chairperson from its membership every year, and it may also elect such other officers as may be necessary from its membership. Election of officers shall take place at an annual meeting to be held in the month of January.

***Section 6. Term of Office.***

The term of office shall be for a period of one year. Each officer shall hold office until his/her successor has been duly elected.

***Section 7. Removal.***

Any officer elected by the members may be removed from office by a vote of two-thirds of the members.

***Section 8. Vacancies.***

A vacancy in any office because of death, resignation, removal, disqualification or otherwise, may be filled by a majority vote of the members for the unexpired portion of the term.



## **Article VI. MEETINGS**

### ***Section 1. Regular Meetings.***

Regular meetings of the members shall meet as often as necessary but at least once per calendar month. A schedule of regular meetings for each calendar year shall be adopted prior to the commencement of the calendar year.

### ***Section 2. Special Meetings.***

Special meetings may be scheduled by a majority vote of the members or called by the Chairperson and shall be called by the Chairperson upon the written request of a majority of the members of the Body.

### ***Section 3. Notice***

Written or electronic notice of any special meetings shall be provided to each member at least forty-eight (48) hours days prior to the date set for such meeting.

### ***Section 4. Recessed Meetings.***

Any regular or special meeting may be recessed upon a majority vote of the members and may be reconvened without additional notice provided that the date, time and place at which the meeting shall be reconvened is determined and announced in open session at the time of the recess.

### ***Section 5. Open Meetings Act.***

All meetings, including meetings of committees and subcommittees, shall be scheduled and conducted in accordance with the St. Mary's County Open Meetings Act and Maryland Open Meetings Act. No executive session may take place except upon the advice of the Office of the County Attorney. As a public body, the Body has the ability to go to closed session in accordance with the St. Mary's County Open Meetings Act and Maryland Open Meetings Act.

### ***Section 6. Agenda.***

The Chairperson shall ensure an agenda is prepared for each regular and special meeting and the agenda shall, in general, be as follows:

- (a) Call to Order
- (b) Roll call to determine the presence of a quorum
- (c) Presentation of minutes from the previous meeting
- (d) Presentation of Officers' and Committee Reports
- (e) Discussion of Old Business
- (f) Discussion of New Business
- (g) Adjournment

### ***Section 7. Quorum and Voting.***

Except as otherwise provided by law or direction of the Commissioners of St. Mary's County, three members of the Body shall constitute a quorum for the transaction of business at any meeting. All decisions shall be made by majority vote of the members present, including the Chairperson, at any meeting where a quorum is present and able to participate in the decision.

## **Article VII. PARLIAMENTARY AUTHORITY**

The Body shall follow the most recently published version of Robert's Rules of Order in conducting all business.

## **Article VIII. REVIEW OF COMPLAINT OF MISCONDUCT**

### ***Section 1. Confidentiality***

A member of the Body is required to maintain confidentiality of matters and information considered by the Body until final disposition and shall sign and abide by any confidentiality agreement required by law. No supporting staff member shall be allowed by the Body to be physically present for or otherwise participate in, in any form, review of any complaint of misconduct without signing any such confidentiality agreement.

### ***Section 2. Duty to Follow State and Local Law.***

When reviewing an investigative file response to a complaint of alleged police officer misconduct, the Body shall conform to the procedures established in Public Safety Article 3- 104(e), Annotated Code of Maryland, Title 12, Subtitle 4, Chapter 9 of the Code of Maryland Regulations, and all other applicable state or local law.

### ***Section 3. Receipt of Complaint and Investigatory Files***

Upon notification of completion of an investigation of a complaint of police misconduct, the Chairperson shall contact the Sheriff's Office and arrange to meet with the Sheriff or Sheriff's designee to preliminarily review the investigatory file. Such preliminary review will be limited only to essential facts of the matter necessary to identify potential conflicts of interest, reasonably estimate the length of time review of a matter by the Body may require, and other administrative acts necessary for the Chairperson to carry out his or her duties. Upon completion of preliminary review of a matter, the Chairperson shall retrieve hard copies of the investigatory file from the St. Mary's County Sheriff's Office, in sufficient number for each member of the Body. Each copy shall be individually watermarked with the name of its intended recipient. All copies shall be retained and kept sealed by the Chairperson or the agency designated by the Chairperson to maintain custody of the materials. Individual members of the Body may retrieve their copy of the investigatory file prior to review, and shall sign a confidentiality statement at time of receipt that includes the following: that the member shall not make copies, in either print or digital form, of the materials located in the investigatory file, that the member shall not allow for the inspection or review of the investigatory file by any other individual, and that the member shall not discuss



the contents of the investigatory file with any other individual prior to the investigatory file's review by the Body.

***Section 4. Conflicts of Interest.***

A member of the Body shall abstain from participation in the review, deliberation, voting, and determination of whether to impose administrative charges against a police officer if the Body has a specific conflict of interest related to either the officer under investigation or the complainant. Determination and disclosure of a conflict of interest shall be determined as provided for in COMAR 12.04.09.07, with the additional requirement that a member of the Body shall disclose a potential conflict of interest to the Chairperson as soon as such potential conflict of interest is identified.

***Section 5. Review of Investigatory File***

At its next scheduled regular meeting following receipt of an investigatory file, the Body shall review the findings of the law enforcement agency's investigation and review body camera footage or other audio/visual footage which may be relevant to the complaint of misconduct.

***Section 6. Request for Further Investigation***

Any member of the Body may make a motion to request additional investigation of the case or the issuance of subpoenas for the appearance of witnesses or production of documents. If a majority of the Committee votes to require additional investigation, the Committee shall issue a written request to the law enforcement agency including the following information:

- (a) The relevance of the appearance, testimony, records, or tangible evidence that is sought;
- (b) Specific documents or other items sought by the Committee, if any;
- (c) The date, time, and place for the appearance of any witness or the production of any documents.

If a police officer is called before the Body to offer testimony, the officer has the right to be accompanied by a representative.

***Section 7. Issuance of Written Opinion***

Upon reaching a preliminary determination, a written opinion shall be prepared by staff for the Body. The Body shall review the written opinion at its next regular or special meeting. The Body may amend the draft written opinion in any fashion. A majority vote of the Body is required to adopt the written opinion. A determination of the Body is not final until a written opinion is adopted.

***Section 8. Time In Which to Render Determination***

The Body shall render final disposition of a complaint of police misconduct within one year and

one day of such complaint's first filing.

**Section 9. Return of Investigatory File**

Upon issuance of a written opinion, each member of the Administrative Charging Committee shall return his or her copy of the applicable investigatory file to the Body's Chairperson, who shall promptly return the investigatory files to the St. Mary's County Sheriff's Office.

**Article IX. TRAINING AND ORIENTATION**

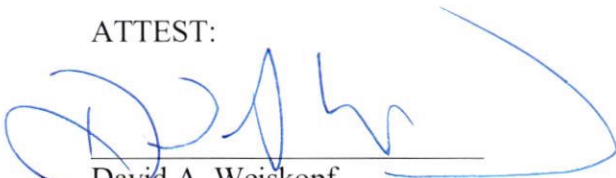
No member of the Body shall serve without first receiving any and all training which may be required by the Maryland Police Standards and Training Commission, or any supplemental training which the Body may elect to require on its own initiative.


**Article X. DEFINITIONS**

"Police misconduct," "local governing body," "appointing authority," "police officer," and any other terms not specifically enumerated shall have the same meaning as defined in the Annotated Code of Maryland, Public Safety Article 3-101 *et seq.* and COMAR 12.04.09.07 and shall have the same meaning given to them by those provisions.

**ADOPTED** by the St. Mary's County Administrative Charging Committee this 16<sup>th</sup> day of November, 2022, to be effective on November 16<sup>th</sup>, 2022.

ATTEST:

  
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David A. Weiskopf  
Interim County Administrator

By:   
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Nickolas Cromwell  
Chairperson

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

  
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John Sterling Houser, Assistant County Attorney